

# Notice of Allowability

Application No.

10/631,161

Examiner

Kuo-Liang Peng

Applicant(s)

FEHN ET AL.

Art Unit

1712

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/17/06 Amendment.
2. ☒ The allowed claim(s) is/are 41-47.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>030406</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|   | 9. <input type="checkbox"/> Other _____  |

### **DETAILED ACTION**

1. Applicants' amendment filed on February 17, 2006 was received. Claims 1-40 are deleted. Claims 41-47 are amended.

#### ***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. William G. Conger on March 1, 2006.

The application has been amended as follows:

In Claim 41 (line 1), after "transparent", insert -- and colorless --.

In Claim 41 (line 2), delete "and free of observable colloidal catalyst residues".

In Claim 43 (line 2), replace "fumed" with -- pyrogenic --.

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4. Claim rejection(s) under 35 USC 103 in the previous Office Action (Paper No. 111205) is/are removed.

*Allowable Subject Matter*

5. Claims 41-47 are allowed.

6. The following is an examiner's statement of reasons for allowance:

The present claims are allowable for at least the following reason(s) over the closest references: Miyoshi (EP 1 043 363), Ebbrecht (US 5 552 506) and Hompanera (US6 197 359).

Miyoshi discloses a silicone rubber mold obtained by curing an addition curable composition in the presence of a rhodium catalyst. The composition comprises alkenyl-containing polyorganosiloxane and hydrido-containing polyorganosiloxane. The alkenyl group can be a vinyl group. ([0002], [0010]-[0015] and [0017]-[0023]) However, Miyoshi does not teach or fairly suggest the **specific catalysts** set forth in the instant claims. Especially, Applicants show the unexpected results by using these catalysts vs. the platinum catalyst in the specification (page 3, lines 5-11). The composition cured by the claimed catalysts has **longer shelf life** and the cured product shows **no discoloration**. The

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aforementioned unexpected results are further demonstrated in Examples. For example, the silicone composition cured by using **rhodium(II) octanonate** (Example 4) has longer shelf life, and the cured product is colorless, when compared with the composition of Comparative Example 3.

Ebbrecht discloses the use of rhodium catalysts (e.g.,  $(\text{RhCl}(\text{cyclooctadiene})_2)$  (col. 6, lines 2-5) in a hydrosilylation reaction between a hydrogen polysiloxane represented by the formula described in col. 6, lines 23-36 and an **organic acrylate** (containing an unsaturated group)(col. 6, line 61 to col. 7, line 57). However, Ebbrecht does not teach or fairly suggest the **polydiorganosiloxane** having at least one **unsaturated group** set forth in the present invention.

Hompanera discloses a baking mold prepared by polyaddition reaction of a methyl-vinyl-polyorganosiloxane and hydrido containing polyorganosiloxane. The baking mold can be confectionery molds or other receptacles in general. (col. 1, lines 61-67, col.2, line 65 to col. 3, line 7 and col. 3, lines 34-50) However, Hompanera does not teach or fairly suggest the **specific catalysts** set forth in the instant claims. Especially, Applicants show the unexpected results, supra.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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March 1, 2006

  
Kuo-Liang Peng  
Primary Examiner  
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